

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARY LITCHHULT,

Plaintiff,

ORDER
CV 10-3311 (JFB)(ARL)

-against-

USTRIVE2, INC.,

Defendant.

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LINDSAY, Magistrate Judge:

Before the court is the defendant's letter application dated April 4, 2012, seeking to compel the pro se plaintiff to respond to defendant's First Set of Interrogatories/ First Request for the Production of Document ("Document Requests") Nos. 4, 6, 8, 9 and 25 within ten days of the court's order, or in the alternative, to schedule a pre-motion conference to address this matter. In its discovery requests, defendant requested the following duly-executed and acknowledged authorizations and questionnaires: (a) HIPAA-compliant written authorizations permitting defendant to obtain and make copies of all medical records and pharmacy records, regarding plaintiff from January 1, 2005 to present, including all medical records from those institutions, physicians, psychiatrists and all other medical and mental health care providers that have treated plaintiff for injuries allegedly suffered by plaintiff as a result of the acts or omissions alleged against defendant which form the basis for this lawsuit (Document Request No. 4); (b) authorizations permitting defendant to obtain and make copies of employment records regarding the plaintiff from January 1, 2002 to present (Document Request No. 6); (c) authorizations permitting defendant to obtain and make copies of any and all tax returns of plaintiff for the years 2005 through present (Document Request No. 8); (d) Questionnaire from the Centers for Medicare & Medicaid Services (CMS) to determine Medicare eligibility, CMS Consent to to Release Information and SSA Consent to Release of Information Form (Document Request No. 9); and (e) authorizations for obtaining from plaintiff's telephone, both land line and cellular and e-mail providers, e-mails, or telephone or PDA text messages or notes, preserved by or available to plaintiff from her computer, telephone, PDA, or any computer, telephone or PDA she accessed or accesses, concerning plaintiff's candidacy for Ustrive2 employment and her subsequent Ustrive2 employment (Document Request No. 25). The requests were served on the plaintiff on February 6, 2012, and to date the plaintiff has not produced the requested authorizations. Nor has the plaintiff responded to the instant application. Defendant's motion to compel is granted, in part.

Plaintiff brings this action against defendant alleging employment discrimination in violation of Title VII and NYHRL as well as claims for retaliation and breach of contract. Plaintiff claims, *inter alia*, she suffered and continues to suffer mental anguish as a result of defendant's actions and seeks compensatory and punitive damages. Plaintiff's employment with defendant commenced on September 15, 2008 and was terminated on April 24, 2009. Accordingly, plaintiff is directed to produce the requested authorizations on or before April 30,

2012 with the following modifications: (i) Document Request Nos. 4 and 9 are limited to the time period commencing September 2008 through the present; and (ii) Document Request Nos. 6, 8 and 25 are limited to the alleged time period of plaintiff's two-year employment contract, viz. September 15, 2008 to September 15, 2010. The plaintiff is warned that the failure to comply with this order may result in the imposition of sanctions. Defendant is directed to serve a copy of this Order on plaintiff forthwith.

Dated: Central Islip, New York
April 17, 2012

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge